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DETROIT BOARD OF POLICE COMMISSIONERS

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IN RE: PUBLIC HEARING REGARDING TOWING

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PAGE 1 TO 35

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Taken at 1300 Beaubien Street, Room 328,

20

Detroit, Michigan,

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Commencing at 3:00 p.m.,

22

Thursday, August 5, 2010,

23

Before Wendy A. Boer, CSR 3505.

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APPEARANCES:

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REV. JEROME WARFIELD, CHAIRPERSON

ADELA RIVERA, VICE CHAIRPERSON

MICHAEL REEVES, COMMISSIONER

GEORGE ANTHONY, EXECUTIVE SECRETARY

CHESTER LOGAN, ASSISTANT CHIEF

1 Detroit, Michigan
2 Thursday, August 5, 2010
3 About 3:00 p.m.
4
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6 CHAIRMAN WARFIELD: Good afternoon, ladies and
7 gentlemen. Welcome to the Board of Police
8 Commissioners. I know we have standing room only
9 because certainly we have important business matters to
10 discuss. And so we are going to ask that you come in as
11 tightly as you can, that you may hear the meeting and be
12 able to participate in the meeting.

13 My name is Jerome Warfield. I am the chairman
14 of the Board of Police Commissioners. With me today is
15 Commissioner Adela Rivera who is the vice chairperson of
16 the Commission, as well as Commissioner Michael Reeves.
17 We have sitting in with us today on behalf of the Chief
18 of police Assistant Chief Chester Logan. Sir, good to
19 have you.

20 I'm going to ask if our executive secretary to
21 the board, Mr. George Anthony, will introduce our staff.

22 MR. ANTHONY: Thank you, Mr. Chair. George
23 Anthony, secretary to the Board. With us we have
24 Miss Celia Banks Washington, who is our attorney
25 supervising investigator, Miss Erma Chenevert, our chief

1 investigator, Miss Dalph Watson, our director of police
2 personnel, Miss Leslie Griffin, community affairs
3 coordinator, Mr. Ken or Officer Ken Cooper, police
4 officer. Our recorder today is Officer Terrance Bell,
5 Mr. Robert Brown. And for the record, can you give your
6 name, please?

7 THE COURT REPORTER: Wendy Boer from Hanson
8 Renaissance.

9 MR. ANTHONY: Wendy Boer from Hanson
10 Reporting. Thank you very much. That completes the
11 reading, sir.

12 CHAIRMAN WARFIELD: Thank you, Mr. Secretary.
13 Mr. Brown, I'm sorry, his name again? Officer John
14 Hall, could you come up to the podium that you may lead
15 us in invocation? Officer John Hall is actually an
16 associate minister and has been for the last 22 years.
17 He's a member of Greater Emmanuel Institutional Church
18 of God in Christ.

19 John Hall is certainly a dedicated police
20 officer who has served the force for 13 years. At this
21 time, we will hear from Reverend Hall.

22 REVEREND HALL: Good afternoon. Let us bow
23 our heads. Most gracious and eternal Father, first of
24 all, Lord, we thank you because you have been good to
25 us, oh, Lord. You have been better to us than we could

1 have ever been to our own selves. It's because of your
2 mercy and because of your grace that we stand on this
3 afternoon.

4 God, it is our prayer that you would grant us
5 your peace, that you would give us the wisdom, the
6 knowledge, the understanding, oh God, to go forth on
7 your work. God, it is our prayer that you would look
8 upon this commission, staff, God, that you continue to
9 reign upon them, touch them, oh, God, from the crown of
10 your head, oh God, even to the soles of your feet.

11 Lord, where there is discord, we ask that you
12 restore unity. Where there is sadness, oh God, we ask
13 that you replace it with joy. God, it is because of
14 that mercy, because of that grace, oh Lord, we ask that
15 you look upon the citizens of this great city, that you
16 would look upon the leadership of this great city, on
17 the mayor, the chief of police, oh God, the assistant
18 chief.

19 Continue to give us strength and the power,
20 Lord, to take a stand, a stand for righteousness but
21 more importantly to take back this city, oh God. And
22 God, we ask that your angels be kept around this city
23 and most of all for all of the participants that are
24 here on this afternoon. God, we praise your name to
25 praise the Lord of all that is, in the name of Christ

1 Jesus we pray, we thank you Dear Lord, Amen.

2 CHAIRMAN WARFIELD: Thank you, Reverend Hall.

3 I will -- as you all know, those of you that are here,
4 you know that we are doing a public hearing on the
5 proposed rules for towing in the City of Detroit. And
6 we will deal with that mostly in our meeting today.

7 So at this point, I would move for a motion to
8 approve the agenda.

9 COMMISSIONER RIVERA: So moved.

10 COMMISSIONER REEVES: Second.

11 CHAIRMAN WARFIELD: It's been properly moved
12 and second that the agenda be approved. Those in favor?

13 COMMISSIONERS: Aye.

14 CHAIRMAN WARFIELD: Those opposed? Motion
15 carries.

16 At this time, before we get into the actual
17 comment section of the public hearing, I'm going to ask
18 if we have a presentation I believe by Commander Lee
19 regarding the current towing rotation. So if you can
20 come up at this point and do that for us, that would be
21 great. That would give us an insight on where we stand
22 right now as relates to the towing rotation.

23 COMMANDER LEE: Good afternoon.

24 CHAIRMAN WARFIELD: Good afternoon, sir.

25 COMMANDER LEE: The previous process we had

1 for towing --

2 CHAIRMAN WARFIELD: Give your name.

3 COMMANDER LEE: Commander Benjamin Lee,
4 Management Services Bureau. What I have here is an
5 overview of what our towing rotation previously was and
6 how the towing rotation is as of this date. Previously,
7 when we had the towing rotation, the officer notified
8 the LEIN operator who is a person who sits at the --
9 they run license plates and things like that. They
10 would notify that person that they needed a tow. The
11 LEIN operator would then notify the authorized tower.
12 And then the authorized tower would respond to the
13 scene.

14 The authorized towers were written in a book
15 that we had at each district. And it was handwritten
16 into every book. So there was a rotation. And then
17 every tow -- authorized tower was entered by hand one by
18 one. And that information was maintained in all of our
19 districts and all of our precincts.

20 On May 12th, we began a new process that we
21 have now where the LEIN operator is no longer notified.
22 The officer notifies the dispatcher via radio. No phone
23 calls are accepted from the officers. And they provide
24 the information regarding the vehicle, the location, the
25 radio code and the VIN information. The officer, LEIN

1 -- the officer at communications would then notify the
2 authorized tower. That authorized tower would receive a
3 control number. And then that control number has to be
4 placed upon all of the invoices and all of the activity
5 logs of the officers who request those tows.

6 Now what we have now is this information is
7 now centralized at communications. All of the books
8 that were spread out over the City are now at
9 communications. And those books now are produced on the
10 computer. So, they're computer print-out pages. And it
11 eliminates the handwritten tow companies that would be
12 written in. If a person were looking at the rotation,
13 they could by error skip a company and continue on; and
14 it would be an error.

15 So, we fixed that by having communications
16 number all of the rotational lists for us. You will see
17 an example of it. This is an example from eastern
18 district. When the officer calls, as you can see on the
19 left, there's a control number. And that number is
20 unique to that particular district. If it were central,
21 it would be a C number; northwest an N number. And the
22 officer from communications fills in the date, the time,
23 the unit that calls, where that car was being towed from
24 and the VIN number. And it's in sequential order. And
25 as you can see, where you see a line drawn through

1 Nationwide, they are currently under suspension. So
2 therefore, they are skipped in the rotation. And then
3 it goes to the next individual authorized tower.

4 If this were a rotation where they did not
5 answer the phone or they did not have trucks available
6 in the spot, somewhere along the line where you see that
7 line drawn, there would be an indication that they were
8 skipped, no tow, no trucks available. They would put
9 the reason in there so we could go back and when if
10 somebody were to say they were skipped, we could go back
11 and find that actual reason.

12 This is the current rotation as it exists
13 right now by district and by precinct. The asterisk
14 indicates that in addition to being an authorized tower
15 in that particular district or precinct, they are also
16 an abandoned vehicle tower for that particular district.
17 This may be just a tad bit hard to see. But the copies
18 that you have in front of you, where it reads across,
19 the number of tow attempts. And if you see where it
20 says Bobby's, and then you go across, the total number
21 of tows that he had from May 12th when we instituted
22 this all the way to May 31st was 15 tows.

23 He had an opportunity to tow 21 times.
24 However, four times there was no answer on the
25 telephone, and twice they did not have a truck

1 available. So, they only ended up with 15 tows. And if
2 you go down the list of central, City Wide had 21
3 attempts, 21 attempts and actually 21 tows. So they
4 were right there where they should be in terms of the
5 number of tows, 21 versus -- 20 versus 21.

6 And it's the same all the way down for
7 southwest, eastern, northeastern, western and
8 northwestern. And this gives us an opportunity --
9 another thing that we are capturing is trucks that do
10 not respond within the 20-minute limit. So now we can
11 look back and do an audit of these particular companies
12 to see if in fact over time they're over 20 minutes
13 late. And at some point we will cite those companies,
14 call them up and let them know that they are not making
15 it within 20 minutes or if they have an excessive number
16 of no answers and not available, we can also cite them
17 for that.

18 Are there any questions?

19 CHAIRMAN WARFIELD: Any questions from the
20 commissioners? I have one. Thank you for the
21 presentation. I think it clears up maybe some confusion
22 that may have been there. Could you just review for us
23 one more time the initial purpose and reasoning for
24 going to this system from the old?

25 COMMANDER LEE: Well, it gives us an

1 opportunity to capture a lot of information. And as
2 Chief Godbee speaks, there's one throat to choke. So
3 now we don't have to talk to ten different LEIN
4 operators about the process. We now have just
5 communications, individual at communications on that
6 particular shift to talk to. We also -- with the books
7 now, we don't have the books scattered out at every
8 district and every precinct. And we don't have to hand
9 write all of that information and have human error that
10 somebody didn't see that tow company A was up as opposed
11 to tow company B. And I had reviewed those books at one
12 time, and that was the case in some of those instances.
13 And we went to this particular process here.

14 CHAIRMAN WARFIELD: Understanding that as
15 humans, we are sometimes creatures of habit. And
16 sometimes if we're used to calling a tow, it might take
17 a little while for us to adapt to the new system, what
18 safeguards do you have in place to insure that officers
19 are not calling tow companies instead of calling the
20 dispatch?

21 COMMANDER LEE: The procedure that if it has
22 not been instituted yet, that we will institute is that
23 the officer has to identify over the radio whether or
24 not a tow is necessary. And at that point, if a tow is
25 necessary, then it should be a department authorized

1 tower. And if it is not a department authorized tower,
2 then we want to capture that information to see if there
3 is a pattern of let's say 2XA responding to accident
4 scenes, and then 2XA is always calling somebody other
5 than an authorized tower. Than we can capture that and
6 conduct an investigation.

7 CHAIRMAN WARFIELD: Would the control number
8 that goes on that ticket also help that out as well?

9 COMMANDER LEE: Yes.

10 CHAIRMAN WARFIELD: Because without that
11 control number, you really should not be able to tow a
12 car?

13 COMMANDER LEE: Absolutely. And if there is
14 ever a question, we can always go back to the control
15 number. And there are some tows that we pay for. And
16 if that control number is not on that invoice, we are
17 not going to pay that invoice.

18 CHAIRMAN WARFIELD: Okay. Thank you.
19 Commissioner Rivera had a question.

20 COMMISSIONER RIVERA: On the new system that
21 we have in place now, I know lot of our tows are
22 accidents or whatever. Do the ABAN tows also stay in
23 that rotation?

24 COMMANDER LEE: Yes. They are rotated the
25 same way. They have to fax that list to communications.

1 They will no longer call the tow company. The district
2 does not call. That information is faxed to
3 communications, and communications will notify the next
4 rotational authorized ABAN tower in that particular
5 district.

6 COMMISSIONER RIVERA: Are the ABANS separate
7 or are they all together?

8 COMMANDER LEE: The ABAN is a separate
9 rotation.

10 COMMISSIONER RIVERA: Thank you.

11 CHAIRMAN WARFIELD: Thank you, appreciate it,
12 Commander.

13 COMMANDER LEE: You're welcome.

14 CHAIRMAN WARFIELD: At this time as we move
15 forward, I want to put this hearing in context to show
16 you exactly how we got to this point where we are today.
17 As you all know, we had a hearing a few months ago,
18 several months ago. And this is the second hearing on
19 the new towing rules. So, if you can just bear with me
20 for a moment, I just want to put this in context so that
21 as we move forward, we will all be on the same page.

22 The provisions of the Detroit City Charter
23 effective in 1974 clearly vest the Board of Police
24 Commissioners with the supervisory authority over the
25 functions of the Detroit Police Department. Article 7,

1 Chapter 11, Section 7-1103 of the City Charter provides
2 that the Board shall in consultation with the chief of
3 police and with the approval of the mayor, establish
4 policies, rules, and regulations.

5 Section 55-15-A of the 1964 City Code entitled
6 Police Authorized Towing, provides that the Board of
7 Police Commissioners shall establish standards,
8 including insurance and bonding requirements that must
9 be met in order for a tower to qualify for police
10 authorized tows. And the police department shall
11 maintain a current list of such qualified towers.
12 Copies should also be provided. Section 55-15-8A goes
13 further to mandate that the Board of Police
14 Commissioners shall also promulgate and publish the
15 rules and regulations that it uses to determine which
16 towers shall be called for tows under this chapter.
17 Such rules shall as nearly as practical provide for
18 equitable distribution of police authorized towers to
19 all towers on the list of qualified towers.

20 In December of 2005, the auditor general
21 initiated an audit of the Detroit Police Department
22 authorized towing process in order to determine the
23 validity of alleged malfeasance by police authorized
24 towing companies and by the DPD personnel and determine
25 whether there was compliance with state laws, sitting

1 ordinances, DPD towing procedures and towing contracts.
2 The auditor general opinioned (sic) that there were
3 recommended systematic problems within the DPD police
4 authorized towing process and recommended that the
5 process be re-engineered.

6 In an attempt to address the criticism raised
7 in the auditor general's report, on or about March
8 the 14th, 2008, the City of Detroit issued a request for
9 proposal RFP, file number 25239, which invited proposals
10 for a centralized towing and logistics provider to
11 facilitate the coordination of auto pound management and
12 related towing services. On April the 7th, 2008,
13 Detroit City Council called a public hearing and took
14 testimony from numerous towers who opposed the RFP,
15 particularly with regard to a single towing management
16 company.

17 On April 9th, 2008, the Detroit City Council
18 adopted a resolution urging the finance department
19 purchasing division and the Detroit Police Department to
20 rescind the RFP for towing management and not to issue
21 another RFP until at least 2010. On April 24th, 2008,
22 former Mayor Kwame Kilpatrick vetoed the above
23 referenced resolution. Also on April the 24th, 2008,
24 the Detroit City Council voted to adopt the resolution
25 urging the finance department, purchasing division and

1 the Detroit Police to rescind the RFP for towing
2 management, notwithstanding the veto of the mayor.

3 On September 4th, 2008, the finance department
4 notified all prospective bidders that the RFP was
5 canceled. In January of 2009, the Board determined that
6 it was in the best interests of the citizens of the City
7 of Detroit, the Detroit Police Department, currently
8 authorized towers as well as prospective towers to
9 establish a work group. And these were the criteria of
10 the work group. Number one, to review the existing
11 police authorized towing process, policies and
12 procedures; to review the City's management of such
13 processes, policies and procedures to ensure the
14 equitable and fair distribution of towing assignments.

15 Three, to study best practices in municipal
16 towing programs in comparable cities or conduct other
17 suitable research to improve the towing process. And
18 finally, number four, to render its recommendations for
19 any modifications and/or improvements. The initial work
20 group was comprised of at least one member from the
21 following city departments, including but not limited to
22 the mayor's office, the Board of Police Commissioners,
23 the Detroit Police Department, Detroit City Council's
24 research and analysis division, auditor general, city
25 planning, and the law department.

1 In March of 2009, a group of interested
2 towers, both current and police authorized towing
3 companies and prospective towing companies met at
4 1300 Beaubien, Room 328, for the purpose of providing
5 constructive input. Surveys were distributed to all
6 attendees. Reports were provided to the Board and the
7 public as to the progress of the work group. Reporters
8 were provided -- I'm sorry. The work group determined
9 that the Board must establish towing rules and
10 regulations in accordance with the City Code.

11 The draft of the proposed towing rules and
12 regulations were presented to the Board of Police
13 Commissioners. On May 13th, 2010, the Board held the
14 first public hearing on towing and entertained comments
15 from the public with regard to the proposed changes.
16 The public was also invited to submit comments or
17 suggestions in writing to the Board of Police
18 Commissioners.

19 Also, on May 6, 2010, the Board announced that
20 this was the first public hearing on towing and that
21 notice of the second hearing would be published. The
22 comments, objections obtained from the first public
23 hearing were reviewed by the Board and the work group.
24 Copies were made available for inspection upon request.
25 The Board subsequently announced on the record at

1 several meetings that a second public hearing on towing
2 will be held on August 5th, 2010, which is of course
3 today.

4 The minutes of those meetings were
5 subsequently approved by a quorum of the board. And
6 finally, on July 2nd, 2010, notice of the second public
7 hearing on towing was published. Such public hearing
8 notice first of all invited the public to attend.
9 Secondly, it provided the public with a copy of the
10 proposed rules in their entirety. Thirdly, it was --
11 they were specific that additional information could be
12 obtained from the Board of Police Commissioners' office
13 or the Board's website and then finally provided the
14 public with the electronic link to the proposed rules
15 and regulations from the Board's website. And that's
16 how we got to where we are here today.

17 And so, as we move forward to hearing and
18 entertaining public comments, I just want to lay down
19 some ground rules to make sure that we are all on the
20 same page. Each person who wishes to make a comment,
21 you have a time limit of four minutes to make your
22 comments. Comments should pertain only to the proposed
23 towing rules as they appear in print on July 2nd. No
24 supplemental comments or no comments against other
25 towers will be accepted.

1 We ask that you please, ma'am, and please,
2 sir, stick to commenting on the proposed rules. And we
3 will not -- the Board will not be voting on the rules at
4 the end of this meeting. That vote will take place in
5 about a week or two. Okay?

6 At this time, we will open up the floor for
7 anyone wishing to make comments on the proposed rules
8 for towing. You may come to the mic at this time. For
9 real? Good afternoon. Could you state your name for
10 the record?

11 MR. MURFF: My name is Daniel Murff, Murff &
12 Sons Towing in Detroit. Mine is not a complaint and it
13 is a complaint. I have records here to prove it. Well,
14 goodness sake. I might stumble a bit in my voice, but
15 it's still here. And you have to forgive me for that.
16 I am just 83 young, that's all. I have proof here on
17 this towing. Now, I started towing out for 12, five
18 tows. I wasn't getting but one, two calls a day. They
19 told me, well, we are going to give you another
20 precinct. That's 10. After I said maybe I might get
21 two a day, one out of each. It stayed all right, pretty
22 good for a while. Then it stopped, one a day.

23 And so we got this here number that had to be
24 on your impound car. If you don't have it on there, you
25 won't get paid. The City don't pay you. Now, last one

1 I had, 8, the 4th at 1:17 p.m. 8-5th-10, 12:20, one
2 tow. That was yesterday and today. Now, what happened
3 with the -- there's seven towers involved in this. Why
4 got to be jump from five to seven? Now that's a
5 question I would like to know. Ain't nothing I can do
6 about it but express this. I don't understand why they
7 'gonna give -- put seven towers because you got two
8 precincts, going to be seven towers. And that's --
9 that's started -- I guess start the record on this on
10 7-13 -- 7-31 and 10. And one tow a day. I towed one
11 out of (inaudible). That's the next thing. Why is it
12 that I got to drive all the way 96 and 94 to 7 Mile
13 Livernois or 8 Mile and Livernois to pick up a car, take
14 it to Jean's, 7900 Dix, for \$50?

15 I can't pay my help. I got to buy fuel, wear
16 and tear on my truck and my time. You got to get -- you
17 can't be 20 minutes late. And I got to drive across
18 town in traffic. I don't think that's fair. It might
19 be fair to say, well, we can kick you off. But I got to
20 get up and say this here. And I hope the rest of these
21 people get up and say the same thing that I am telling.
22 Tell it like it is. And if they kick you off, they
23 kick you off.

24 There's one name. You say don't call no name.
25 I ain't 'gonna call no name. You know who it is as well

1 as I know. It ain't -- all 'ya all got good sense.
2 There's one man taking over the whole thing. And he
3 squeezed me out. He got me. I heard he got another
4 fellow. That's what he is working on. And 'ya all
5 working with him.

6 He keep sitting by -- he ain't here today. He
7 sitting back grinning. I got my people, they doing my
8 way for me. Why should I be there? I got to live. And
9 should be -- take an 83 year old man out there trying to
10 make it without you all taking care of him. And I got
11 family. I got a home. I got to take care. And so, I
12 mean, hey, come on. Work with the little man. Obama
13 trying to work with him. How come us can't work
14 together here instead of saying, well, you don't do this
15 here, you can't talk about the other tower. Darn that.
16 Please, come on.

17 I know I ain't going to be here long. But why
18 you fighting? I'm fighting for my children. I'm
19 fighting for the young people. You young. All of you
20 all up there probably young. I could be your father,
21 old enough for 'ya all father. Wake up. Try to --
22 don't try to get it all yourself. That's what this one
23 particular doing. So are other people doing, getting
24 this money, putting it in their pocket. Darn you. They
25 sitting back laughing. I'll laugh too. Thank you.

1 CHAIRMAN WARFIELD: Thank you, Mr. Murff.
2 Anyone else would like to address the Board at this
3 time? Again, we ask you to please state your name for
4 the record, please.

5 MR. DAVIS: My name is Elder Anthony Davis,
6 Sr., from AC Towing. When I first started, I had two
7 precincts. Then they made a district, and they put me
8 in one district. I had 13 and 3. Then when they put me
9 -- they took me out of central and put me in western.
10 Then when they put me in western, I was squeezed out
11 when they changed back to precincts. I supposedly got
12 my two precincts back. But I didn't. Then when I kept
13 inquiring about it, my wife and I, Kristin Davis. And I
14 said, what's going on? They had three companies in 10,
15 four in 12. Okay. Now, the two precincts in 10, they
16 had two of the same people there. So when they squeezed
17 me out, they only gave me one of the precincts. So then
18 I got a telephone call. They said, we 'gonna put you in
19 10. Then I thought I would just add it you know to 10.
20 Then I find out that it was seven companies. They took
21 the four companies out of 12, adds them to 10 and made
22 it seven and sent three back to 12.

23 That didn't make sense. They still squeezed
24 us out. It's just like we used to bring forfeitures,
25 OTE, vice to our yard. Now we taking them for \$35 to

1 another yard to the same people. They cutting our
2 money. They squeezing us out. I'm a preacher. I'm an
3 ordained elder in the Church of God in Christ. I been
4 with the City a long time. And it seems like we get one
5 or two calls a day. I call down to management. And he
6 asks, everything going all right? I said no. He said
7 like the Commander Lee said, you know, they keeping
8 records.

9 Then when Officer Clark check and say, you're
10 right. You're not really getting no calls. They
11 squeezed us out. The same thing going on over and over
12 and over, one or two companies all over the district.
13 And we just -- I just finally got my other precinct, and
14 I am still in the same boat. Only thing they did was
15 just added them, and they getting more money as we speak
16 right now.

17 Every now and then I might do a blitz with
18 traffic enforcement. Every now and then I look all over
19 the City, even to right now, same company doing the
20 blitz with traffic enforcement right now. I am right
21 there in central. And we are not getting any money. We
22 started this company over 20 years ago, and it was \$35 a
23 tow. Then they jumped it to \$70 to \$75. I built my
24 company. They told me you need a building 'cause you
25 might have to hold prints and evidence there. And so I

1 bought a building. I never got any prints. I never got
2 any evidence. It goes to one place, one or two places.
3 They cutting us out. I could have saved that money. I
4 could have stayed where I was. I still had the other
5 lot. I could have stayed right there. I didn't have to
6 spend no 200 some thousand dollars to buy a building to
7 get turned down. That didn't make sense. Thank you for
8 your time and your patience.

9 CHAIRMAN WARFIELD: Elder Davis, we thank you.
10 Could you come back to the mic just for one second,
11 please? We thank you and certainly as I read earlier,
12 it is the charge of this Board to make sure that the
13 process will become equitable amongst all towers. And
14 so, we hear you loud and clear. I want to say this not
15 only to you, Elder Davis, but to the rest of the men and
16 women who are here in this room. This is your forum.
17 And you have the opportunity right now to speak and to
18 talk about those things that are on your mind. And
19 there will not be any punitive things that will happen
20 as a result of your comments.

21 And so, we want you to be as honest and as
22 open, as transparent as you can because we want to make
23 sure that the rules that are adopted helps everyone who
24 are towers here in the City of Detroit. But I thank
25 you, sir, for your comments.

1 MR. DAVIS: Yes, I appreciate you.

2 MR. BORDEN: Good afternoon.

3 CHAIRMAN WARFIELD: Good afternoon, sir.

4 MR. BORDEN: My name is Jack Borden, Detroit
5 Auto Recovery. There's a lot in these new rules to talk
6 about in four minutes. Would the Board entertain some
7 written comments?

8 CHAIRMAN WARFIELD: Absolutely, Mr. Borden,
9 you certainly can submit those to us absolutely.

10 MR. BORDEN: Okay. The second thing is as AC
11 Towing just talked about, the prices. I sent the Board
12 a letter detailing the prices, the need for an increase.
13 The last time we as towers got a raise was 1994. And I
14 hope you still maybe have the letter. If you don't, I
15 will send it with my comments detailing just the cost of
16 living, price of fuel when we got our last raise and
17 now. Nobody can exist under these prices, \$35 a tow
18 across the City. And that's what the City is paying us
19 to take to the City lot, and then the City lot charges
20 \$75 plus the storage.

21 So I think it's time for an increase. But I
22 will send comments in writing. And there's a lot in
23 these new proposals, some I totally agree with, a lot of
24 them -- and some of them I don't. So I will send the
25 comments forward.

1 CHAIRMAN WARFIELD: Let me say this to you as
2 well as you are there at the podium again. Thank you
3 for your comments. But as relates to the fees for the
4 tows, those fees are actually set by the Detroit City
5 Council. So unfortunately we do not set the fees for
6 tows.

7 MR. BORDEN: I believe when I sent it to the
8 Board, I sent a copy of the Detroit City Ordinances.
9 And I will send it again. But I believe that you do
10 have the authority to do that. Maybe not. But I sent a
11 copy of the ordinance that indicated to me that you did.
12 Right now, as far as Council, they can do it on their
13 own. But they act through the Tow Rate Commission. And
14 there is none right now. But even at that, there had
15 been in the past. There -- by the City ordinance, by
16 the City law, it charges the City to not longer than
17 every other year to review the tow rates. 1994 was way
18 over two years.

19 And, you know, the whole process has gone so
20 wrong and gotten off track. It's good that it's going
21 to get back on track. Some of the stuff in here, you
22 know, everybody is not agreeing with everything.
23 There's a few small things like employees, that I will
24 put into writing. I don't think anybody should be
25 denied a job or lose their job because seven years ago,

1 a petty theft, maybe a DUI, you know. If it's not while
2 they are working, I just don't agree with that. And our
3 mayor has recently said and when he first come in, he
4 believes in second chances. So do I. And I have a
5 couple of those employees. I will put it all together
6 for you.

7 CHAIRMAN WARFIELD: I also want to inform you,
8 Mr. Borden, that we have asked the Detroit City Council
9 to move on a new tow rate, to assemble a new tow rate.
10 So we have definitely been pushing for that.

11 MR. BORDEN: I have been invited to be on it.

12 CHAIRMAN WARFIELD: Okay, great. Thank you,
13 sir, appreciate you. Are there any other comments
14 regarding the towing rules?

15 MR. GINYARD: Good afternoon. My name is Troy
16 Ginyard. I'm with Troy's Towing in Detroit, been in
17 business 13 years. And in regards to the RFP, I am
18 currently not a tower for the Detroit Police. But in
19 regards to the RFP, just like everything, it's not
20 perfect. However, it is a breath of fresh air, and it
21 does create opportunities for companies that are
22 qualified to do the job. And I'm going to also give you
23 more detail in writing my response to the RFP also.
24 That's it.

25 CHAIRMAN WARFIELD: Just for clarification,

1 Mr. Ginyard, the RFP is a completely totally different
2 situation than the rules that we are adopting today or
3 that we are talking about today as you say. That's a
4 whole another matter.

5 MR. GINYARD: I said it wrong. I meant the
6 proposed -- that's what I was talking about.

7 CHAIRMAN WARFIELD: Great. We look forward to
8 receiving your comments. Thank you, sir. Anybody else?
9 Is there someone else regarding towing?

10 MS. HINES: Let me make a comment as a citizen
11 of the City of Detroit. My name is Sandra Hines. I'm
12 with the Coalition to Restore -- I'm with the Detroit
13 Coalition Against Police Brutality. I remember when the
14 towing company that nobody can talk about -- I remember
15 when Mayor Kilpatrick was in and my contact in coming in
16 contact with towers was when they was trying to
17 monopolize -- a certain company was -- it was appearing
18 as though they was monopolizing the towing. And that's
19 when all the towers started coming together. And it's
20 been a long fight. I want people to know that.

21 This is not something that just started. A
22 couple of years ago, the towers been fighting against
23 this one company that was looking like the mayor was
24 trying to throw -- to monopolize the towing. It's
25 important that it be fairness across the board because

1 as citizens, my experience is having my car towed, the
2 towing companies were almost charging whatever they
3 wanted to charge you when you went to get your car back.
4 And they have all these different rules, each tower,
5 from one tower company to the other, how many days you
6 can come and get your car before they put it up for
7 auction, how many days -- you know, the price of what
8 you had to pay to get your car back.

9 And so, I was always perplexed. And I asked
10 certain people how can they do that. How can I go to
11 one tow company and it's one price for the same thing
12 that they towed my car for; and then you go to another
13 tow company, and it's another price. One is higher than
14 the other. The other one can take your car after so
15 many days and sell it and auction it off. So, I'm happy
16 as a citizen that somebody is finally doing something
17 about it. And I think it's just atrocious that they
18 would even be trying to monopolize something that is as
19 important as towing and allow one company to be able to
20 get more money and out bid the other companies and have
21 it -- it's like a gangster kind of business, like a
22 mafia kind of thing that's going on right now.

23 And all of the corruption that's been going on
24 in the City of Detroit, here is another big corrupt
25 situation that's going on that needs to be rectified.

1 So, I wholeheartedly hope that after these hearings take
2 place, that we the citizens will get the real relief as
3 well as the towers and that one company can't just force
4 a Mr. -- whatever that man's name who talked from the
5 beginning -- that they can't be forced out. It would
6 just be wrong. And I'm so glad that when they tried to
7 monopolize and the towers got heads up on it, that they
8 finally came together and moved it to this point because
9 it will help us all if it's fairness across the board.

10 CHAIRMAN WARFIELD: Thank you, Sister Hines.

11 MS. HINES: That's as a citizen.

12 CHAIRMAN WARFIELD: Thank you, appreciate your
13 comments. And again, I want to remind those of you who
14 may be submitting your comments in writing, if you can
15 get those to us within seven days, that will be very
16 very helpful. Yes, sir?

17 MR. STIDHAM: Good afternoon, Mr. Chairman,
18 Commissioners, Assistant Chief. I am Tom Stidham here
19 on behalf of Muskat (phonetic) Towing. I have a couple
20 -- I previously filed some extensive objections which
21 apparently in my review of the new rules were completely
22 ignored. And there's a couple main points that I want
23 to emphasize to this Board.

24 First of all, if the Board reviews the City
25 Code or City Code of 1964, it will see that when the

1 rules were changed the previous time, all of the
2 existing police authorized towers were grandfathered in
3 and did not have to reapply. And I would like this
4 Board to understand -- and I think every police
5 authorized tower in this room has already gone through
6 the process. That's what -- that is what is being
7 proposed again in these new rules. Again, I think it
8 was in 2006. But I want this Board to understand that
9 every police authorized tower sitting in here I would
10 think would object.

11 And I'm going to ask all of you to raise your
12 hand if you believe that we should be grandfathered in.
13 I think the majority of the existing towers believe
14 again the City should follow its previous practice,
15 grandfather all these towers in.

16 Secondly, Commissioner, I have to take issue
17 with you when you say that the RFP or proposed RFP is
18 not what we are dealing with today. I think all of the
19 towers -- and we have never been given -- and when I say
20 we, some of the towers have not been given an adequate
21 explanation of how an RFP that presumes to presumably --
22 purports to presumably establish a towing management
23 company cannot effect the daily lives of these tow
24 companies. I don't know if you want to respond to that.

25 CHAIRMAN WARFIELD: Let me be very clear. The

1 rules that we are discussing today are that the towing
2 rules for those who are to be authorized towers for the
3 City of Detroit. This Commission and this Board has not
4 to date dealt with any RFP. Let me back off from that.
5 Since I have been on the Board, since I came on the
6 Board last October, we have not dealt with an RFP as
7 relates to a central management company running towing.
8 Have I heard of rumors out there that an RFP may be
9 coming down? Yes, I have heard of it.

10 But that RFP regarding a centralized
11 management group is completely different from the towing
12 rules that we are discussing today.

13 MR. STIDHAM: I understand that, sir. But you
14 may remember if you were there, Commissioner Warfield, I
15 don't remember if you were at the May 12 or 13 towing
16 hearing when Chief Godbee did say there was
17 contemplating an RFP that was under consideration and
18 review. So, I do believe that it's an integral part,
19 and I believe that these proposed new rules which are
20 devoid of any mention or discussion or contemplation of
21 how an RFP would effect these rules, I think it has to
22 be considered and addressed within this.

23 Also, I'd just like to add finally that -- and
24 I wish that the Chief was here today because I think a
25 couple administrations ago, he and I had had some dialog

1 concerning -- about maintaining, making adjustments and
2 improvements and re-engineering the system as the Board
3 is purporting to do here. However, with the addition of
4 monetizing (sic) the towing process in order to have the
5 City realize some revenue and yet allow and permit all
6 the stakeholders, including all of the current police
7 authorized towers to maintain and expand what they have.

8 And despite all the efforts of this Board,
9 which we certainly appreciate, there has been really no
10 dialog either from the department or from this Board in
11 order to address that. And we do ask that this Board
12 give us a hearing on that to pursue that endeavor.
13 Also, finally, can I just ask when do we have a --
14 what's the deadline for the additional objections?

15 CHAIRMAN WARFIELD: Again, if you can do it
16 within seven days, that would be helpful for us.

17 MR. STIDHAM: When is the vote on the proposed
18 rules?

19 CHAIRMAN WARFIELD: As I said earlier, we have
20 not scheduled it. We might do that within either -- if
21 it's not next week, it would probably be the week after
22 that. But we will certainly -- it would be announced in
23 advance. So, you will hear that before we do it.

24 MR. STIDHAM: Okay. Thank you, sir.

25 CHAIRMAN WARFIELD: Thank you. I appreciate

1 your comments. Anyone else regarding the towing rules
2 specifically? Okay. I want to give everyone an
3 opportunity to express your concerns and your comments.
4 And if there are not any more, we will conclude the
5 hearing on the towing rules at this time. And so, I
6 would like there to be a motion to adjourn the towing
7 hearing.

8 COMMISSIONER RIVERA: So moved.

9 COMMISSIONER REEVES: Second.

10 CHAIRMAN WARFIELD: It's been properly moved
11 and seconded that the towing hearing is adjourned. All
12 those in favor?

13 COMMISSIONERS: Aye.

14 CHAIRMAN WARFIELD: All those opposed? All
15 right. We also want to deal with another issue in our
16 regular session, moving into a regular session. And
17 so --

18 MR. BROWN: Let me stop this so we can start
19 another one. I need about three minutes.

20 (The hearing was concluded at 3:55 p.m.)

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I HEREBY CERTIFY that I reported stenographically the foregoing proceedings and testimony under oath at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings.

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